

2007 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-SB40)**Received: **07/03/2007**Received By: **pkahler**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Swissdorf**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Swissdorf -

Topic:

Documentary proof of citizenship or legal status for public assistance

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 07/03/2007	bkraft 07/03/2007					
/1			pgreensl 07/05/2007		lparisi 07/05/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: 07/03/2007

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For: Legislative Fiscal Bureau

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/?	pkahler	1 bjk 7/3 11 gf 7/3	Sh 7/3	nwm/pg 7/5			

FE Sent For:

<END>

Kahler, Pam

From: Swissdorf, Kim
Sent: Tuesday, July 03, 2007 9:01 AM
To: Kahler, Pam
Subject: Assembly amendment

Another one:

The ARC passed a motion to include 2005 Senate Bill 567, but exclude MA because the Deficit Reduction Act already implemented documentation requirements for MA (and, I'm told, Badger Care, so exclude Badger Care as well). Please let me know if you have any questions. Thanks, Pam!

Kim Swissdorf, Fiscal Analyst
Legislative Fiscal Bureau
1 E Main St, Ste 301
Madison, WI 53703
(608) 266-3847
Kim.Swissdorf@legis.state.wi.us

Kahler, Pam

From: Swissdorf, Kim
Sent: Tuesday, July 03, 2007 10:18 AM
To: Kahler, Pam
Subject: RE: Assembly amendment

No. We're leaving the fraud investigation at \$0 because we don't expect to get much, if anything. And, we're not providing any funds or positions for public assistance programs to require documentation. So, I think we're OK with appropriations/positions.

From: Kahler, Pam
Sent: Tuesday, July 03, 2007 10:11 AM
To: Swissdorf, Kim
Subject: RE: Assembly amendment

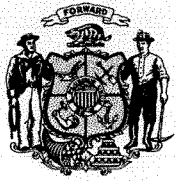
Kim:

Are there any changes in appropriation amounts or positions for either of the new amendments? Thanks!

From: Swissdorf, Kim
Sent: Tuesday, July 03, 2007 8:40 AM
To: Kahler, Pam
Subject: Assembly amendment

Unfortunately, I don't have the answers I was hoping for. In addition, I have a new draft for you. 0150/2—County fraud investigation. It should be changed to allow counties to keep 100% of the recoveries for the first three months and nothing after that [49.197(2)(c)]. So, the county pays to the department 0% for the first three months and 100% thereafter. I'll keep you updated as soon as I know anything☺

Kim Swissdorf, Fiscal Analyst
Legislative Fiscal Bureau
1 E Main St, Ste 301
Madison, WI 53703
(608) 266-3847
Kim.Swissdorf@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb1009/2

PJK:.....

bjk + kjf

Inserts

LFB:.....Swissdorf - Documentary proof of citizenship or legal status for public assistance ✓

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

PWF

D-note
SA ✓
X-ref ✓

At the locations indicated, amend the substitute amendment as follows: ✓

1. Page 771, line 4: after that line insert: ✓

(END)

SENATE BILL 567

by DHFS or DWD under the public assistance chapter of the statutes and that provides services, benefits, or other assistance (public assistance program). The bill requires that any person who applies for a public assistance program must, as a condition of eligibility for that program, provide documentary proof of citizenship or satisfactory immigration status. Besides Wisconsin Works, Medical Assistance, and the food stamp program, public assistance programs include relief block grants, with which counties provide health care services to eligible persons; the Badger Care health care program, which provides health care services to certain low-income children and families; the program that provides prescription drug assistance for elderly persons (commonly known as SeniorCare); the program that provides eligible persons with assistance in establishing the paternity of a child, establishing or modifying child support obligations, enforcing child support or maintenance (alimony) obligations, and locating persons who owe child support or children taken by parents in violation of court orders; the programs that provide state supplemental payments to persons receiving federal supplemental security income; the program that pays funeral, burial, and cemetery expenses for persons whose estates are insufficient to pay those expenses; and the disease aids program that provides assistance in paying the costs of medical treatment for eligible persons with cystic fibrosis, hemophilia, or chronic renal (kidney) disease.

The bill requires every application for a public assistance program to include a certification clause, to be completed by the welfare worker or other person processing the application, certifying that he or she has received from the applicant the necessary documentary proof and specifying the nature of the documentary proof. Any person who falsely certifies that he or she received the documentary proof is subject to a \$250 forfeiture, in addition to any other penalties that might apply under current law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 *gr* SECTION 1. 49.84 (5) of the statutes is renumbered 49.84 (5) (b) and amended

2 to read:

3 ✓ 49.84 (5) (b) -A Notwithstanding any other eligibility requirements specified

4 in this chapter, to the extent permitted under federal law, any person applying for

5 Wisconsin works under ss. 49.141 to 49.161, aid to families with dependent children

6 under s. 49.19, medical assistance under subch. IV or food stamp program benefits

7 under 7 USC 2011 to 2029 any program under this chapter shall, as a condition of

8 eligibility, provide ~~a declaration and other verification~~ documentary proof of

an applicant for an assistance

1677pB

move

strike

SENATE BILL 567

an assistance

1 citizenship or satisfactory immigration status as required by rule by the department
2 by rule administering the program or as required in 42 USC 1320b-7 (d), and, except
3 as provided in s. 49.45 (27), only a person who is a U.S. citizen or an alien lawfully
4 admitted for permanent residence or otherwise permanently residing in the United
5 States under color of law shall be eligible for a program under this chapter.

6 **SECTION 2.** 49.84 (5) (a) of the statutes is created to read:

7 49.84 (5) (a) In this subsection, "program under this chapter" means any
8 program administered by the department of health and family services or the
9 department of workforce development under this chapter under which the
10 department administering the program provides services, benefits, or other
11 assistance.

12 **SECTION 3.** 49.84 (5) (c) of the statutes is created to read:

13 49.84 (5) (c) 1. Every application for *an assistance* a program under this chapter shall include
14 a certification clause, which shall be completed by the welfare worker or other person
15 processing the application, certifying that he or she has received from the applicant
16 documentary proof that the applicant is a U.S. citizen or an alien lawfully admitted
17 for permanent residence or otherwise permanently residing in the United States
18 under color of law, and stating the nature of the documentary proof.

19 2. In addition to any other penalty, any person processing an application for
20 program under this chapter who falsely certifies on the application that he or she
21 received documentary proof under subd. 1. shall be required to pay a forfeiture of
22 \$250 for each false certification. Notice of the penalty under this subdivision shall
23 be printed on the application directly below the certification clause required under
24 subd. 1. *an assistance*

25 **SECTION 4. Initial applicability.**

SENATE BILL 567

SECTION 4

(1) This act first applies to applications for public assistance programs under chapter 49 of the statutes that are submitted on the effective date of this subsection.

SECTION 5. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

Insert 4-5

The renumbering and amendment of section 49.84(5) of the statutes, the creation of section 49.84(5)(a) and (c) of the statutes, and CS SECTION 9355(24) of this act

D-note

Date

LRB61009/1dn
PJK:bjk+gjf

Kim:

Kim: included the delayed effective date
I ~~the~~ ~~the~~ ~~the~~ delayed effective date
(a six-month delay) from 2005 SB 567. Let me
know if you do not want any delay. Let me

PJK ← Kay

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1009/?ins

PJK:.....

1
bjk

INSERT 3-11

- X
- 1 49.84 (5) (a) In this subsection: ✓
- 2 1. "Applicant" does not include any person applying for a program specified in ✓
- 3 sub. (6) (c) 1., 2., or 3. or any person excepted under sub. (6) (c) 1. a. to e. or 2. ✓✓✓✓✓
- 4 2. "Assistance program under this chapter" means any program administered ✓
- 5 by the department of health and family services or the department of workforce ✓
- 6 development under this chapter under which the department administering the ✓✓
- 7 program provides services, benefits, or other assistance, except that "assistance ✓
- 8 program under this chapter" does not include any program specified in sub. (6) (c) 1., ✓✓
- 9 2., or 3. ✓

(END OF INSERT 3-11) ✓

INSERT 4-5

- initial app
- 10 **1.** Page 1667, line 12: after that line insert:
- 11 ✓ "(2y) DOCUMENTARY PROOF OF CITIZENSHIP OR IMMIGRATION STATUS. The ✓✓
- 12 renumbering and amendment of section 49.84 (5) of the statutes and the creation of ✓
- 13 section 49.84 (5) (a) and (c) of the statutes first apply to applications for assistance ✓✓
- 14 programs under chapter 49 of the statutes that are submitted on the effective date ✓
- 15 of this subsection." ✓
- 16 **2.** Page 1688, line 13: after that line insert:
- eff date 17 ✓ "(2y) DOCUMENTARY PROOF OF CITIZENSHIP OR IMMIGRATION STATUS. The ✓✓
- 18 renumbering and amendment of section 49.84 (5) of the statutes, the creation of ✓✓

1 section 49.84 (5) (a) and (c) of the statutes, and SECTION 9355 (2y) of this act take effect
2 on the first day of the 7th month beginning after publication.”.

(END OF INSERT 4-5)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1009/1dn
PJK:bjk&kjf.sh

July 3, 2007

Kim:

I included the delayed effective date (a sixth-month delay) from 2005 SB 567. Let me know if you do not want any delay.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb1009/1
PJK:bjk&kjf:sh

LFB:.....Swissdorf – Documentary proof of citizenship or legal status for
public assistance

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 771, line 4: after that line insert:

3 **"SECTION 1677p.** 49.84 (5) of the statutes is renumbered 49.84 (5) (b) and
4 amended to read:

5 49.84 (5) (b) ~~A person applying for Wisconsin works under ss. 49.141 to 49.161,~~
6 ~~aid to families with dependent children under s. 49.19, medical assistance under~~
7 ~~subch. IV or food stamp program benefits under 7 USC 2011 to 2029~~
8 Notwithstanding any other eligibility requirements specified in this chapter, to the
9 extent permitted under federal law, an applicant for an assistance program under
10 this chapter shall, as a condition of eligibility, provide ~~a declaration and other~~

1 ~~verification~~ documentary proof of citizenship or satisfactory immigration status as
2 required ~~by rule~~ by the department ~~by rule~~ administering the program or as required
3 in 42 USC 1320b-7 (d), and only a person who is a U.S. citizen or an alien lawfully
4 admitted for permanent residence or otherwise permanently residing in the United
5 States under color of law shall be eligible for an assistance program under this
6 chapter.

7 **SECTION 1677r.** 49.84 (5) (a) of the statutes is created to read:

8 49.84 (5) (a) In this subsection:

9 1. "Applicant" does not include any person applying for a program specified in
10 sub. (6) (c) 1., 2., or 3. or any person excepted under sub. (6) (c) 1. a. to e. or 2.

11 2. "Assistance program under this chapter" means any program administered
12 by the department of health and family services or the department of workforce
13 development under this chapter under which the department administering the
14 program provides services, benefits, or other assistance, except that "assistance
15 program under this chapter" does not include any program specified in sub. (6) (c) 1.,
16 2., or 3.

17 **SECTION 1677w.** 49.84 (5) (c) of the statutes is created to read:

18 49.84 (5) (c) 1. Every application for an assistance program under this chapter
19 shall include a certification clause, which shall be completed by the welfare worker
20 or other person processing the application, certifying that he or she has received from
21 the applicant documentary proof that the applicant is a U.S. citizen or an alien
22 lawfully admitted for permanent residence or otherwise permanently residing in the
23 United States under color of law, and stating the nature of the documentary proof.

24 2. In addition to any other penalty, any person processing an application for an
25 assistance program under this chapter who falsely certifies on the application that

1 he or she received documentary proof under subd. 1. shall be required to pay a
2 forfeiture of \$250 for each false certification. Notice of the penalty under this
3 subdivision shall be printed on the application directly below the certification clause
4 required under subd. 1.”.

5 **2.** Page 1667, line 12: after that line insert:

6 “(2y) DOCUMENTARY PROOF OF CITIZENSHIP OR IMMIGRATION STATUS. The
7 renumbering and amendment of section 49.84 (5) of the statutes and the creation of
8 section 49.84 (5) (a) and (c) of the statutes first apply to applications for assistance
9 programs under chapter 49 of the statutes that are submitted on the effective date
10 of this subsection.”.

11 **3.** Page 1688, line 13: after that line insert:

12 “(2y) DOCUMENTARY PROOF OF CITIZENSHIP OR IMMIGRATION STATUS. The
13 renumbering and amendment of section 49.84 (5) of the statutes, the creation of
14 section 49.84 (5) (a) and (c) of the statutes, and SECTION 9355 (2y) of this act take effect
15 on the first day of the 7th month beginning after publication.”.

16 (END)